

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**BRANDON TIMMONS,**  
**Plaintiff**

**v.**

**K. BRITTAIN, et al.,**  
**Defendants**

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**No. 1:21-cv-00798**

**(Judge Kane)**

**ORDER**

**AND NOW**, on this 28th day of November 2022, in accordance with the Memorandum issued concurrently with this Order, **IT IS ORDERED THAT:**

1. Defendants' motion to dismiss (Doc. No. 39) is **GRANTED IN PART AND DENIED IN PART**;
2. The motion to dismiss is **GRANTED** with respect to Plaintiff's intentional infliction of emotional distress, supervisory liability, campaign harassment, food deprivation, deliberate indifference, and failure to protect claims;
3. The motion is **DENIED** with respect to Plaintiff's food tampering, retaliation, and conspiracy claims;
4. Within thirty (30) days of the date of this Order, Plaintiff may file a second amended complaint that corrects the deficiencies identified in the accompanying Memorandum;
5. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form; and
6. If Plaintiff fails to file a second amended complaint within thirty (30) days of the date of this Order, Plaintiff's first amended complaint will remain the operative pleading and the case will proceed as to Plaintiff's food tampering, retaliation, and conspiracy claims only.

s/ Yvette Kane  
Yvette Kane, District Judge  
United States District Court  
Middle District of Pennsylvania